

University of Miami Law School Institutional Repository

University of Miami Inter-American Law Review

6-1-1970

Inter-American Bar Association

J. O. Dahlgren

Follow this and additional works at: <http://repository.law.miami.edu/umialr>

Recommended Citation

J. O. Dahlgren, *Inter-American Bar Association*, 2 U. Miami Inter-Am. L. Rev. 304 (1970)
Available at: <http://repository.law.miami.edu/umialr/vol2/iss2/13>

This Report is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Inter-American Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

INTER-AMERICAN BAR ASSOCIATION

JOHN O. DAHLGREN
Secretary-General
Inter-American Bar Association

XVI CONFERENCE RESOLUTIONS

The report of the Inter-American Bar Association in this issue of the *Lawyer of the Americas* will be limited to listing the full text of the resolutions adopted by Committees I through XVII at the XVI Conference held in Caracas in November, 1969. Resolutions of the remaining committees, as well as those approved by the new Council will be published in the next issue of the *Lawyer of the Americas*.

COMMITTEE I—PUBLIC INTERNATIONAL LAW

Resolution 1 on the Continental Shelf of the American Countries declares that the continental shelf of the American countries, according to the Geneva Convention of April 29, 1958, forms part of the national territory and comprises all the land emerging from or adjacent to it, such as islands, keys and islets.

Resolution 2 on the Conservation and Utilization of the Living Resources of the Sea resolves:

1. To reaffirm, as a legal principle, the preferential interest of the riparian State in the conservation and utilization of the living resources of the sea adjacent to its coasts.

2. To recognize that the acceptance of this legal principle, created with the decisive contribution of the American countries, is particularly important to assure the economic and social progress of the developing countries.

Resolution 3 on the Legal Aspects of the Problem of Contamination of Waters of International Rivers and Lakes resolves:

1. To recommend that the laws of the American countries on the industrial and agricultural utilization of rivers and lakes be unified or harmonized in order to avoid international controversies.

2. To recommend that in the law schools of the various universities

of America there be established courses on comparative water law, especially in those countries which have rivers and lakes in common interest with others, so that better knowledge and comparison of existing legislation will result, with a view to obtaining in the near future the unification or harmonization of legislation.

3. To urge the American States to avoid the contamination of waters of international rivers and lakes, because this affects the health and economy of riparian states, and the avoidance of such contamination is indispensable for a peaceful international life.

4. To make this resolution known to the Organization of American States, to the Latin American Free Trade Association, and to the Secretariat of the Central American Common Market, suggesting to them that it be taken into consideration when said international organizations make studies on the subject.

Resolution 4 on the Collaboration of Lawyers and other Members of the Legal Profession with the Inter-American Juridical Committee resolves:

1. To express its firm conviction that the collaboration of the lawyers of the American countries in the tasks of the Inter-American Juridical Committee is very important and necessary to give said Committee the benefit of the knowledge and experience acquired by lawyers in the solution of concrete cases, thereby offering very useful suggestions and proposals not only in the field of law generally but especially in the unification or harmonization of legislation, the formulation of new juridical standards or the reform of existing ones, and that the said activities are of the highest importance for Latin American economic integration.

2. To request that the member associations of the IABA urge the governments of their respective countries, in exercising their rights to nominate candidates for election as members of the Inter-American Juridical Committee by the General Assembly of the OAS, to choose those jurists who are most familiar with the juridical problems concerning inter-American relations, who can make effective contributions to the improvement of the juridical institutions of the Hemisphere, and in addition lend their collaboration to the unification or harmonization of legislation, the formulation of new juridical standards, or the amendment of existing ones.

3. To suggest to the General Secretariat of the OAS that it strengthen its ties of cooperation with the bar associations and other

organizations of lawyers in the American countries, to promote cooperation between the Inter-American Juridical Committee and said organizations, and to transmit regularly to said organizations information concerning the topics of the program of work of the Committee.

4. To urge the member associations and individual members of the IABA to cooperate in the important and useful work of the Inter-American Juridical Committee through the preparation of working documents, studies, papers or drafts on the topics in the program of work of the Committee, which might be transmitted to it as suggestions.

5. To recommend to the Inter-American Juridical Committee that it make every possible use of the authority granted by Article III of the Charter of the OAS, as amended by the Protocol of Buenos Aires, to hold its meetings elsewhere than its seat, "at any other place that may be designated, after consultation with the Member State concerned", so that in this manner the members of the legal profession of the Hemisphere may become more familiar with the activities of the Committee and collaborate with it, thus strengthening the ties of cooperation between the Committee and the lawyers, professors of law, members of the legislatures, associations and federations of the bar, and other interested organizations, institutions and persons.

6. To request the Secretary General of the Inter-American Bar Association to transmit copies of this resolution to the Governments of the Member States of the OAS and to its Secretary General.

Resolution 5 on the International Law Commission of the United Nations resolves:

1. To express its deep sympathy on the death of Ambassador Gilberto Amado, of Brazil, a member of the International Law Commission of the United Nations, where he rendered outstanding service on behalf of the juridical culture of the Americas.

2. To express its desire that the vacancy on the International Law Commission caused by the death of Ambassador Gilberto Amado be filled by a jurist representing the Latin American juridical system.

3. To request the Secretary General of the Inter-American Bar Association to inform the Ministry of Foreign Affairs of Brazil of the expression of deep sympathy by the Association on the death of Ambassador Gilberto Amado.

4. To request also that the Secretary General of the Inter-American

Bar Association inform the Secretary General of the United Nations of the desire expressed in paragraph 2 of this resolution.

Resolution 6 on Bilateral Agreements on Air Transport resolves:

1. To suggest to the Governments of the American States that they do everything possible to solve the discrepancies that may exist in the negotiation of bilateral agreements on air transport or relating to the application and interpretation of existing agreements, and make every effort to reconcile criteria and objectives in matters pertaining to regulation on capacity and frequency of their respective services.

2. To suggest also to said Governments that in order to attain the objectives expressed in the previous paragraph they do not adopt an inflexible attitude on this matter, for the sake of harmony and co-operation, and to reach understandings which do not contain excessive independent action by the airlines of each of the parties nor excessive restrictive intervention by the authorities.

3. To request the Secretary General of the Inter-American Bar Association to send copies of this resolution to the Governments of the American States and also to the civil aeronautics organizations of these States, and to call their attention particularly to its contents, having in mind the important role that said organizations have in the negotiation of bilateral agreements on international air transport among the American States and in everything concerning the application and interpretation of the already existing agreements on the matter.

COMMITTEE II — PRIVATE INTERNATIONAL LAW

Resolution 7 on International Cooperation in Civil and Commercial Procedure resolves:

1. To express its thanks for the contribution made by the authors of a study entitled "International Cooperation in Civil and Commercial Procedure (American continent)" inasmuch as the said work fills a gap in the literature on this subject, and to recommend its publication.

2. To study the possibility of harmonizing existing standards in the various countries on international cooperation in judicial procedure as well as the standards provided for in international agreements on this subject.

3. To continue the studies that are being made on powers of

attorney granted in one country to have effect in another, especially those granted for use before judicial bodies.

4. To compile the background material on the legal rules applicable to the status and capacity of persons (rules on conflicts) in all American countries, including the States, provinces, and territories of those States having federal systems, as well as to study the possibility of harmonizing said rules.

COMMITTEE III — CONSTITUTIONAL LAW

Resolution 8 on Observance of Constitutional Guarantees recommends:

1. To the Governments of the American States that they guarantee the full enforcement of their constitutions.

2. To the same Governments the strict observance of the constitutional guarantees concerning human rights, political and civil, by means of respect for legitimately constituted powers, so as to achieve political, social, and economic democracy.

Resolution 9 on Constitutional Amendments declares:

That in order to secure a better legal structure for the whole process of integration, amendments to the respective constitutions be made at the proper time, once the instruments of integration have been determined, so that without disregard of national sovereignty, the delegation of powers may be formalized for the objective proposed, and that the pertinent amendments be made in accordance with the respective constitutional provisions.

COMMITTEE IV — MUNICIPAL LAW

Resolution 10 on Housing and Urban Development recommends:

To the Chairman of Section B of Committee IV that he appoint a consultative body composed of specialists and technicians in the fields of housing and legislation for urban development.

Resolution 11 on Juridical Seminars on Housing resolves:

That the Inter-American Bar Association, through the Section on "Housing Law" of Committee IV, renew its efforts to complete the drafting and performance of a detailed program of legal seminars on

housing, including a study of the necessary financing, in cooperation with international organizations such as the Inter-American Development Bank, and to complete one or two pilot projects of such programs before the next Conference of the IABA is held.

Resolution 12 on Information on Cooperatives recommends:

To the pertinent Committees and Sections of the Association that they furnish all the information they have and that which they may obtain regarding experience in the operation of cooperatives, including procedures and laws on the subject enacted in countries which have adopted this system.

Resolution 13 on a Bank for Housing recommends:

The creation of a Bank for Housing where such Bank does not exist and the improvement of those now in existence, providing the necessary opportunities and insofar as possible stimulating the creation of new jobs which will mean protection and security for the people.

Resolution 14 on Interchange of Texts of Housing Laws and Regulations recommends:

To the American states that, as soon as possible, they mutually exchange the texts of their laws and regulations on housing law, sending them to the public libraries, so that these institutions in turn may transmit them to the appropriate public offices of their countries.

COMMITTEE V — CIVIL LAW

Resolution 15 on Civil Liability recommends:

1. To the Governments of the American States that they promote the amendment of their civil legislation, establishing a system of absolute civil liability with respect to persons or entities that exploit hazardous or dangerous industrial activities, for the damages suffered by third parties as the result of such activities.
2. That for each case, local regulations be adopted to determine the scope of said activities and fix the respective limits of liability.
3. That in other cases of civil liability, the system of general liability be maintained based on the fault of the party causing the damage.
4. That there be established for owners of automobiles the obliga-

tion to contract for liability insurance for third parties, the required minimum amount of insurance to be fixed by local regulation.

Resolution 16 on Divorce Dissolving "*vinculo matrimonii*" recommends:

1. To the American States that in view of the lack of common legislation on divorce, they issue corresponding legislation so that in all of them divorce may be granted by dissolving the *vinculo matrimonii*, thus avoiding the many problems caused by the non-acceptance of this legal concept.

2. To the American States that to fulfill the objective expressed in the previous paragraph they promulgate adequate legislation in order to carry out the decrees handed down by foreign tribunals, provided that the proper legal requirements have been followed, which in each case should be determined by the courts, in order to avoid the ambiguous situations of difficult solution that the diversity of legislation may cause.

(Note: Brazil voted against; Colombia abstained)

Resolution 17 on Succession "*mortis causa*" recommends to members of the Inter-American Bar Association:

1. That they make a comparative analysis of the laws in force in America on matters pertaining to succession *mortis causa* in order to establish the most competent and advisable criteria for harmonizing, insofar as possible, legislation concerning the rights and duties that the same would provide for, and the best means of enforcing them in each country; and

2. That they study the advisability of giving effect to holographic wills, provided that they are made according to the prerequisites of authenticity provided in the various laws, thus making it possible that the will of the testator be accepted as valid in the country where it is to be executed.

Resolution 18 on Industrial Property recommends:

1. To the law schools of the universities of the American States the inclusion of industrial property law as a compulsory subject in their law curriculum, for the obtaining of the respective licentiates or degrees.

2. To the international organizations which directly or indirectly are concerned with industrial property, that they coordinate their efforts

in order that the American countries can obtain effective access to modern technology, through patents and know-how, and that the use of restrictive practices in this field be avoided.

3. To the inter-American organizations that they promote effective measures to achieve a harmony among the respective national systems for the protection of industrial property.

4. To the governments of the American States that they:

(a) Establish efficient measures to insure access to the technology transmitted through industrial property rights, and especially the adoption of model laws drafted by the United International Bureau for the Protection of Intellectual Property (BIRPI).

(b) Adopt the current international classifications of patents and products on which distinctive marks are applied.

(c) Modernize their registry offices and eliminate the practices which delay the procedures for obtaining industrial property protection.

(d) Study the advisability of adopting the system of preliminary search in the procedure for the granting of patents.

COMMITTEE VI—CIVIL AND COMMERCIAL PROCEDURE

Resolution 19 on School of Arbitrators resolves:

1. To foster the creation of the First School of Arbitrators for commercial arbitration, in Caracas, Venezuela.

2. To encourage support for similar schools in the Americas.

3. To suggest to the national sections of the Inter-American Commercial Arbitration Commission (IACAC), to bar associations, to similar institutions and to individual experts that they submit to the Director General of the IACAC their ideas on the planning for and the improving of the training of arbitrators as well as for the financing of such programs.

4. To suggest to the Director General of the IACAC that he organize as soon as possible successive or simultaneous seminars on inter-American commercial arbitration in the cities of the Continent for which purpose it would be desirable to have the collaboration of local commissions, experts, and related institutions.

5. To promote the establishment of special courses in commercial arbitration in the universities of the Continent.

Resolution 20 on Inter-American Commercial Arbitration resolves:

1. To urge the member associations and the individual members of the Association to encourage the governments of the Member States of the Organization of American States to ratify without delay the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and that copies of this resolution be transmitted to appropriate governmental authorities in each country of the Western Hemisphere.

2. To urge the said governments to support the draft Convention on International Commercial Arbitration approved in 1967 by the Inter-American Juridical Committee.

COMMITTEE VII — COMMERCIAL LAW

Resolution 21 on Uniform Law on Negotiable Instruments resolves:

1. To entrust to the member associations and individual members of the Association the study and dissemination of draft legislation and existing legislation on the subject, especially the draft Uniform Law of Negotiable Instruments for Latin America recommended by the Institute for Integration of Latin America (INTAL).

2. To establish a working group which will receive information on the draft legislation referred to in paragraph 1 of this resolution and to distribute it among the member associations and individual members of the Association in order that they may present concrete proposals to the next Conference.

Resolution 22 on Individual Firm of Limited Liability resolves:

1. To accept the principle of the individual firm as being a matter of rights and obligations, and the resulting limited liability.

2. To recommend the adoption of said principle as a legal institution, adapting it to the respective national system, and establishing the necessary standards so that the institution may be accepted and implemented according to its true and primary bases.

Resolution 23 on Translation of Legislation on Bankruptcies resolves:

1. That the Association study the possibility of translating from

English into Spanish and vice versa the several legal provisions that govern bankruptcies.

2. That the Association also study the possibility of translating the legal provisions that govern the system of extraterritoriality of decisions, especially those concerning bankruptcies.

3. That the Association through its Committee VII, Section F, receive the information referred to in the two previous paragraphs and distribute it among the member associations and individual members of the Association so that they can present concrete proposals on the subject to the next Conference.

COMMITTEE VII — CRIMINAL LAW AND PROCEDURE

Resolution 24 on Forensic Psychiatry and Criminal Psychology declares:

1. In all criminal proceedings it is necessary to have technical experts available to the judge, and these include psychiatric, psychologic and medico-toxicological help to enable him to determine as surely as possible the criminal responsibility of the defendant.

2. For those countries that do not have it, there must be an Institute of Forensic Psychiatry and Criminal Psychology, technically organized, attached to the judiciary and having as its purpose the giving of scientific help to the court to determine as surely as possible the criminal responsibility of the defendant.

3. Every individual has the right and should be assisted by a lawyer in all cases from the beginning of the criminal or police process.

4. It is advisable that there be a psychological examination of the defendant to determine his criminal responsibility in all cases in those nations in which he does not have a complete right to counsel, and, in all cases, in the other countries when he or his counsel demands it, or when the judge believes it desirable.

COMMITTEE IX — ADMINISTRATIVE LAW AND PROCEDURE

(No Resolutions)

COMMITTEE X — FISCAL LAW

Resolution 25 on Double Taxation resolves:

1. To reiterate its previous recommendations, under the terms and conditions thereof, regarding the desirability of the adoption, as a general rule, of the principle of the taxation of income by the country of its source; regarding the application of the systems of tax credit and tax sparing without limitations that may neutralize them, by those countries which adopt the system of the universal taxation of income; and regarding the need to condition the granting of tax exemptions to the effective use of them by the taxpayer.

2. To recommend that the Latin American countries urgently negotiate agreements among themselves to adopt an international regulation of tax franchises and a system of capital transfers among themselves, bearing in mind their respective degrees of relative economic development, as well as the inconvenience of granting, in unusual cases in the national interest, exemptions or exoneration from tax to capital emanating from individuals and groups of the more industrialized countries.

3. To point out to the capital exporting countries the need to adopt, under the principles of international solidarity, tax measures which foster the offer of financial resources to the developing countries of the Western Hemisphere in proportion to their needs and possibilities.

Resolution 26 on the Ratification of Resolution No. 33 of the XV Conference resolves:

1. To ratify Resolution 33 of the XV Conference of the Inter-American Bar Association, held at San Jose, Costa Rica, in 1967.

2. To request the Council of the Inter-American Bar Association to include again in the agenda for the XVII Conference, the topic "Effects of inflation on the tax burden".

3. To include in the aforementioned Resolution 33, requests for the presentation of papers on the tax effect of inflation from the point of view of the active subject of taxation, especially, on the economic consequences and the parafiscal effects of taxation during periods of inflation.

Resolution 27 on an Observer to the United Nations Special Group of Tax Experts resolves:

1. To appoint an observer to the Special Group of Experts of the

United Nations for the study of tax relations among the developed and the developing countries.

2. To entrust to Committee X, Section A, on a permanent basis and beginning immediately, the study of the subject mentioned in paragraph 1, requesting it to recommend the measures it considers pertinent, based on studies by the aforementioned observer of the activities of the Special Group of Experts of the United Nations.

3. To request the Chairman of the said Committee during the intervening period between Conferences of the Association to take whatever urgent steps the circumstances may require, based on the advice of said observer.

COMMITTEE XI — LEGAL ASPECTS OF DEVELOPMENT AND INTEGRATION

Resolution 28 on the Study of Topics Concerning Latin American Integration recommends:

1. That the governments, universities, national and international institutions and jurists study the following topics with the idea of finding solutions for the problems involved:

- (a) Agricultural, industrial and commercial use of international rivers and lakes;
- (b) Integration of energy production;
- (c) Legal regulation of pipelines;
- (d) Legal regulation of the interconnection of communication networks;
- (e) Legal aspects of the protection of natural resources;
- (f) Legal aspects of the construction of public works;
- (g) Organization of multinational corporations;
- (h) Harmonization of treatment of foreign capital;
- (i) Cooperation in educational matters;
- (j) Uniformity of systems of taxation;

2. The establishment by private and public sectors of an interdisciplinary and interstate work equipment to seek solutions and instruments for the fulfillment of the future stages of integration.

Resolution 29 on Multinational Corporations recommends:

1. That the Latin American countries adopt standards to regulate the organization and operation of multinational companies, either regional or for specific zones, and to institute a competent system for promotion of the same.

2. That to this effect, the following be considered as multinational companies, either regional or for specific zones:

(a) Those established with a participation of capital of the public or private sector, belonging to juridical or natural persons, nationals of two or more Latin American countries;

(b) Those which operate in two or more Latin American countries;

(c) Those the control of which remains, ultimately and authentically, in the hands of nationals of the respective Latin American countries.

3. That in order to enable said corporations to benefit from the promotional system, there be included as a condition that they adopt a suitable policy regarding their own scientific and technological development and attain, through the acquisition of such technology, the establishment of conditions which will permit the elimination of royalties within a reasonable time.

Resolution 30 on Legislative Policy of Development and Integration resolves:

To entrust to Section B of Committee XI the study of the juridical and moral values characteristic of the Inter-American community which must shape the legislative policy of both development and integration.

Resolution 31 on Unification of Latin American Legislations declares:

1. The legal structure of inter-American integration depends conceptually on the nature, degree and conditions of the different stages of integration and to the extent that they are agreed upon.

2. The uniformity of legislations in the Latin American countries on certain matters will be a valuable contribution to their development, besides being useful in the event that formulas of integration should materialize.

Resolution 32 on an Inter-American Juridical Seminar resolves:

1. To promote an Inter-American Juridical Seminar, of a permanent

nature, for the study and research of problems of law related to integration and development, which would function continuously in each of the Latin American countries, and in which the system of participation will be given preference over all other accepted methods of study and research.

2. To recommend that for this purpose the Association attempt to obtain the financial support and adequate cooperation of international governmental and nongovernmental organizations of the area (Inter-American Development Bank, and others), and of the countries, universities, and professional organizations, but without at any time surrendering the direction of the seminar's organization and functioning.

Resolution 33 on the Juridical and Social Defense of Indians recommends:

To the American countries which have not yet solved the problem of the rural so-called indigenous population that they appoint a committee to present conclusions and practical juridical measures which may provide a solution, taking into consideration principally customs, uses and juridical norms not recognized in legislation now in force relating to family, living together with others, (Sirvinacuy, Serviciña) marriage, succession, property, social cooperation (aine, tutapay), barter and commercial customs, traffic, etc., autochthonous industries, education, entrepreneurial, rural and cattle-raising qualifications, etc., for the purpose of incorporating the indigenous population into the economic and social development of each country.

Resolution 34 on the Protection and Dignification of the worker declares:

That in order to harmonize the labor laws to promote the integration and development of Latin America, it is necessary to bear in mind their historic-sociological purpose, which is the protection and dignification of the worker, and to obtain for him his authentic civil and political freedom through cultural and economic elevation, by way of collective labor laws and agreements which promote his culture and technical training and his access to the ownership of property through savings systems, credit for independent business undertakings, promotion of cooperatives, especially for production, and by any other way that each country may elect for its development and the parallel guarantee of social justice.

Resolution 35 on Social and Economic Rights of Workers resolves:

That in agreements for regional development and integration and

in private contracts to be made, compulsory rules be included to guarantee that in case of the transfer of workers, laborers as well as other employees, from one place to another, their rights to receive and retain an adequate remuneration be properly protected and, likewise, that rights arising or derived through continuity and length of service, such as seniority, severance, retirement, and similar rights, be recognized and safeguarded.

Resolution 36 on Legislation on Antitrust and Commercial Practices resolves:

1. That every effort should be made to bring to public knowledge the fact that the laws on the subject of monopolies and restrictive commercial practices urgently require a modernization that takes into account contemporary socio-economic reality.

2. To declare:

- (a) that it is necessary that anti-trust laws establish an inquiry prior to criminal proceedings, such hearing to be carried out by an investigative body or by an administrative body with the eventual participation of representatives of economic and professional entities. The inquiry should be given wide powers to analyse the facts, to evaluate explanations by the interested parties, to give all kinds of rulings, including those to cease and desist and to end all proceedings whether due to the lack of any infraction or to the acceptance of the rulings laid down. Eventually this body may be given authority to issue guidelines applicable to particular commercial and industrial sectors;
- (b) that appropriate antitrust legislation, combined with an intelligent enforcement of the same, constitutes one of the most effective tools available to states to maintain supreme the goals of their economic policy;
- (c) that the progress of national or international commerce requires the prevention not only of local restrictions on competition but also those which may arise from restrictions imposed by multinational corporations or by other countries or blocks of countries; and
- (d) that in the context of the future, among the law sectors that could lend themselves to an eventual legislative unification, the field of antitrust law stands out as one with the greatest possibilities, at least for legislation establishing basic principles.

3. That efforts be made to establish international machinery for the interchange of relevant information and the development of agreed policies in areas beyond the competence of any single national state.

4. To maintain, on a permanent basis, Section D of Committee XI of the Inter-American Bar Association, which will take charge of the analysis, in the light of changing circumstances, of the legislation relating to antitrust and multinational companies, and eventually prepare the basis for a model law on the subject.

COMMITTEE XII — LEGAL EDUCATION

Resolution 37 on *The Lawyer of the Americas* resolves:

1. To support the initiative taken by the Law School of the University of Miami in recently establishing the journal called "Lawyer of the Americas" (Abogado de las Americas) in cooperation with the Inter-American Bar Association, carrying out in this way Resolution No. 14 of the I Conference of the Inter-American Bar Association, in 1941.

2. To recommend the immediate publication in Spanish of the aforementioned journal, due to the scientific and practical importance it has for the lawyers of this Hemisphere; and to this effect it is urged that all the delegates who participate in this XVI Conference subscribe to it.

3. To urge both individual and association members of the Inter-American Bar Association who have not already done so, to subscribe to the aforementioned journal, and at the same time to publicize its content and importance in order to secure subscriptions from the lawyers of their respective countries.

4. To recommend to the Association members and to law schools of the universities which at the present time publish journals, that they exchange their journals with the journal "Lawyer of the Americas" (Abogado de las Americas), for the purpose of selecting and publicizing those works of the greatest general interest.

5. In view of the inter-American nature of the said journal and its content, the desire is expressed that the same will facilitate a better legal and technical cooperation between Latin Americans and Anglo-Americans.

6. To authorize the Executive Committee of the Inter-American

Bar Association and the Editor of the said journal to adopt all necessary measures to carry out the aforementioned recommendations or other similar ones, and to report to the XVII Conference on what has been done with respect to this matter.

Resolution 38 on the Report on the Academy resolves:

To request the Executive Committee to ask the said Academy to send a report on its activities as soon as possible, so that the Executive Committee may study the necessary measures and may adopt pertinent decisions for the attainment of the objectives of the Academy.

Resolution 39 on the Law of Economic Integration recommends:

1. Revision and modernization of the plans and programs of the law schools and schools of social science and economics in order to bring them into accord with the reality of the world and the latest teaching methods.

2. The inclusion as an autonomous and obligatory subject in all law schools of the continent the study of Latin American integration, expressing the desirability that a uniform program be achieved in this respect.

3. The creation of a center for juridical information on inter-American economic integration, and to promote the exchange of ideas and publications, and permanent communications between the deans of the several law schools of the hemisphere.

4. The exchange and dissemination in the law schools of Latin America of ideas concerning integration in order to coordinate and obtain unity in criteria among all the law schools.

5. The participation of the lawyers in the seminars that will be held with the collaboration of interested institutions on Latin American economic integration.

COMMITTEE XIII — LEGAL DOCUMENTATION

Resolution 40 on Modernization and Revision of Existing Law resolves:

1. To recommend to the national member association that they take the initiative with their respective governments and legislative bodies

to stimulate the modernization and systematization of existing law in the way most suitable for each country.

2. To request the cooperation of the member associations and of the individual members of the Association so that at future conferences an exhibit on legal documentation may be organized at which the codes and the most recent legal texts of the hemisphere can be exhibited.

Resolution 41 on a Law Library recommends:

1. To urge the member associations to send to the General Secretariat of the Association copies of the texts of legislation in force in each country relating to matters dealt with by the Committees of the Association, with the pertinent *exposés de motifs* or any other data which would be necessary or advisable as a source for the better study of said legislation.

2. To entrust to the General Secretariat of the IABA that with the publications received it organize a permanent reference library and that reference or background material be sent to the conferences and meetings of the Association at their several locations, taking into account the agenda of each meeting.

3. That the library prepare a summary of the legislation in force in each country with specific indications as to the subject matter, the date of the corresponding promulgation, its publisher and distributor, as well as its price.

4. To request the member associations and individual members of the IABA to collaborate with the Association by urging the respective organization in each country to send the pertinent data to the Association so as to enable it to carry out the provisions of paragraph 3 of this resolution.

COMMITTEE XIV — ACTIVITIES OF LAWYERS

Resolution 42 on Amendment of IABA Constitution resolves:

That Article IV (c) of the Constitution of the Association add as *ex officio* members of the Council:

“the Chairman of the Young Lawyers Section, and the immediate Past Chairman of the Young Lawyers Section”.

Resolution 43 on the Drafting of Code on Professional Ethics resolves:

To entrust to Section B of Committee XIV the drafting of a Model Code of Professional Ethics, taking into account the existing texts of standards of professional ethics for lawyers.

COMMITTEE XV — NATURAL RESOURCES

(See Resolutions of New Council)

COMMITTEE XVI — SPACE LAW

Resolution 44 on Space Exploration recommends:

1. To the Governments of the American States that they recognize the unifying factors of the exploration of outer space and related activities and the benefits to be derived therefrom in the quest for peace and social development.

2. To the Governments of the American States that they recognize the opportunities for scientific, economic, industrial, and educational advancement arising out of outer space activities to the end that the universal brotherhood of man may become a reality.

3. To the Association and individual members of the Association that they should encourage their governments to give immediate attention to the final adoption and ratification of a convention concerning liabilities for damage caused by the launching of objects into outer space.

4. The early establishment of an international space rescue system.

5. To the United Nations that it facilitate the study of space law and sciences through the offering of scholarships and other appropriate means.

Resolution 45 on the Legal Aspects of Space Communications resolves:

1. To recommend to the Organization of American States (OAS) that it make studies

- (a) of the international legal aspects of terrestrial and space communications, in order to prepare revisions of existing inter-American instruments, or to prepare new conventions on the subject, and

- (b) of the legal problems concerning direct broadcasts from satellites in order to prepare inter-American conventions or agreements on this

matter, and to formulate the position of the inter-American system on the subject for presentation to the United Nations.

2. To make, through the Section on Space Communications of the Committee on Space Law, a comparative study of national legislation in the countries of the Americas affecting terrestrial and space communications, including copyright law, with a view to proposing harmonization of basic principles or standards so that legal structures may evolve in step with technological developments.

3. To offer its cooperation to the OAS in the preparation of any studies mentioned in paragraph 1 of this resolution.

4. To encourage the cooperation of the member associations of the Inter-American Bar Association in the preparation of the studies mentioned in paragraph 3 of this resolution.

5. To continue, through the Section on Space Communications of the Committee on Space Law, its liaison in observer capacity with various organizations such as the Inter-American Telecommunications Committee (CITEL), the International Telecommunication Union (ITU), the United International Bureau for the Protection of Intellectual Property (BIRPI), and the Communications Satellite Corporation (COMSAT).

Resolution 46 on Indirect Aggression as a Crime resolves:

1. That the Inter-American Bar Association formulate a definition of indirect aggression which would include the modern techniques of an aggressor State for destroying the political independence and democratic order of any American State.

2. That the Inter-American Bar Association recommend to the Council of the Organization of American States:

(a) that the governments of the Member States of the OAS incorporate in their respective laws provisions making subversive activities and other forms of indirect aggression criminal offenses, and

(b) that the meaning of the expression "armed attack" in the Inter-American Treaty of Reciprocal Assistance cover the concept of indirect aggression.

(Note: Peru voted against)

Resolution 47 on an Advisory Defense Board recommends:

1. That the Advisory Defense Board provided for in Articles 45,

46 and 47 of the Charter of the Organization of American States should be convoked.

2. That the Inter-American Defense Board should be formally institutionalized in the Organization of American States.

(Note: Peru voted against)

Resolution 48 on Indirect Aggression as Threat to Peace and Security recommends:

That the American States be ever vigilant of this threat to their political independence and work within the procedures set forth in the Inter-American Treaty of Reciprocal Assistance and the Charter of the Organization of American States to meet indirect aggression in whatever form it may appear.